



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

SEP 16 2015

Mr. Ron Dandrea
President
Bedford Materials Company, Inc.
7676 Allegheny Road
Manns Choice, PA 15550

**Re: Notice of Violation
Compliance Evaluation Inspection
August 25, 2014
EPA ID No. PAD057631889**

Docket Number: R3-15-NOV-RCRA-036

Dear Mr. Dandrea:

On August 25, 2014, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act (SWMA), as amended, 35 P.S. 6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Bedford Materials Company, Inc., Manns Choice, Pennsylvania facility (the Facility) is violating regulations promulgated under the Pennsylvania SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation is:

1. The 5-gallon satellite accumulation container used at Treater #3 (Photo #6) was not labeled per 25 PA § 262a.10 [40 CFR § 262.34 (c)(1)(ii)] which requires the generator to mark the container with either the words, "Hazardous Waste" or with other words that identify the contents of the container.
2. Less than 90 day storage area not inspected for the weeks 11/11/13 to 11/15/13 (Attachment #7) and 11/21/11 to 11/25/11 (Attachment #8) pursuant to 25 PA § 265a.1 [40 CFR § 265.174] which requires, at least weekly, the owner or operator inspect areas where containers are stored.

3. The signed, return copy of Manifest #004910270FLE (Attachment #4) was not on file at the facility pursuant to 25 PA § 262a.10 [40 CFR § 262.40 (a)] which requires a generator to maintain a copy of the signed manifest from the facility which received the waste as a record for at least three years.
4. Training records for Mr. Carry Grubb for the years 2008 to 2013 were not available per 25 PA § 265a.1 [40 CFR § 265.16 (e)] which requires that training records on current personnel be kept until closure of the facility.

In addition to the above listed RCRA and PA SWMA violations, there is an area of concern, which, if not properly addressed, could lead to violations:

1. The 55-gallon containers in the less than 90-day storage area known as the Waste Minimization Storage Area are dated once full and not when hazardous waste is first placed in the containers pursuant to 25 PA § 262a.1 [40 CFR § 262.34 (a)(2)] which requires the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Eric Greenwood
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Sept 16, 2015
Date

Enclosure

cc: M. Gross, PADEP (Central Office) w/o Enclosure
P. Belgiovane (3LC70) w/o Enclosure
E. Greenwood (3LC70) w/o Enclosure